

REMARKS

Claims 1-5 have been examined. Claim 5 has been rejected under 35 U.S.C. § 112, second paragraph, claims 1-4 have been rejected under 35 U.S.C. § 102(e), and claim 5 has been rejected under 35 U.S.C. § 103(a).

Preliminary Matters

Applicant has made minor editorial changes to the Abstract. Applicant submits that the Abstract does not impact the interpretation of or limit the scope or meaning of the claims.

Also, the Examiner has not acknowledged the drawings filed on September 24, 2001. Accordingly, Applicant respectfully requests that the Examiner indicate, in the next Office Action, whether the drawings are acceptable or not.

Rejections under 35 U.S.C. § 112, second paragraph

The Examiner has rejected claim 5 under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements. In particular, the Examiner maintains that it is unclear how the suction tip of claim 1 is related to the other elements of claim 5. Accordingly, Applicant has amended claim 5 to recite that the suction pump and control unit are connected to the suction nozzle. As recited in claim 1, the suction tip is attached on a tip of the suction nozzle. Applicant therefore believes that the insertion of the “suction nozzle” into claim 5 clarifies the relationship of the elements.

Rejections under 35 U.S.C. § 102(e)

Claims 1-4 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2002/0081747 to Jacobs et al. (“Jacobs”).

A. Claim 1

Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites that a cross-sectional area of a suction opening is equal to a cross-sectional area of a fixed volume chamber at a position where the suction opening contacts the fixed volume chamber.

The Examiner maintains that Jacobs discloses the features of claim 1. However, assuming *arguendo* that the Examiner alleges that the cavity 118 discloses the claimed fixed volume chamber, and the aperture 134 or cavity 114 discloses the claimed suction opening, Applicant submits that claim 1 is patentable over the cited reference. For example, a cross-sectional area of the aperture 134 or the cavity 114 is smaller than or not equal to a cross-sectional area of the cavity 18.

Accordingly, Applicant submits that claim 1 is patentable over the cited reference, and respectfully requests the Examiner to reconsider and withdraw the rejection.

B. Claim 2

Since claim 2 is dependent upon claim 1, Applicant submits that such claim is patentable at least by virtue of its dependency.

In addition, Applicant submits that claim 2 is separately patentable over the cited reference. For example, claim 2 recites that a fitting portion is formed on the fixed volume chamber for fitting with a periphery of the tip of a suction nozzle.

The Examiner maintains that Jacobs discloses the above features, but has not cited which particular feature discloses the claimed fitting portion. On pgs. 3 and 4 of the Office Action, the Examiner refers to Figs. 3 and 7A of Jacobs. However, Fig. 3 fails to disclose any type of fitting portion formed on the alleged fixed volume chamber 118, which is to be fitted with a tip of a suction nozzle. Likewise, in Fig. 7A, there is no fitting portion formed on the alleged fixed volume chamber 118". Further, in Fig. 7A, the alleged fixed volume chamber 118" is not provided with a through hole formed at an upper end of the chamber 118", where the through hole has a smaller cross-sectional area than the alleged chamber 118".

In view of the above, Applicant submits that claim 2 is patentable over the cited reference. If the rejection is to be maintained, Applicant respectfully requests the Examiner to specifically point out which feature of Jacobs allegedly discloses the claimed fitting portion.

C. Claims 3 and 4

Since claims 3 and 4 are dependent, either directly or indirectly, upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

In addition, since Jacobs fails to teach or suggest the claimed fitting portion, Applicant submits that Jacobs likewise fails to teach or suggest that a fitting portion is engagingly combined with the alleged fixed volume chamber 118, as recited in claim 3.

Rejections under 35 U.S.C. § 103(a)

Claim 5 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Jacobs in view of U.S. Patent No. 6,592,825 to Pelc et al. (“Pelc”). However, since claim 5 incorporates the suction tip of claim 1, and Pelc fails to cure the deficient teachings of Jacobs set forth above, Applicant submits that claim 5 is patentable at least by virtue of its incorporation of claim 1.

Newly Added Claims

Applicant has added claims 6-8 to provide more varied protection of the present invention.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Amendment under 37 C.F.R. § 1.111
U.S. Application No. 09/960,341

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Allison M. Tulino
Registration No. 48,294

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: June 16, 2004